

By: Wu

H.B. No. 1436

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the offense of possessing an open container of alcohol
3 in a motor vehicle.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 49.031(a)(1), Penal Code, is amended to
6 read as follows:

7 (1) "Open container" means a bottle, can, or other
8 receptacle that contains any amount of alcoholic beverage other
9 than a receptacle that is factory-sealed by the manufacturer of the
10 alcoholic beverage [~~and that is open, that has been opened, that has~~
11 ~~a broken seal, or the contents of which are partially removed~~].

12 SECTION 2. The change in law made by this Act to Section
13 49.031(a)(1), Penal Code, applies only to an offense committed on
14 or after the effective date of this Act. An offense committed
15 before the effective date of this Act is governed by the law in
16 effect on the date the offense was committed, and the former law is
17 continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2017.